IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11742 of 2004

Between:

Granites Products Company, Kondapalli, rep. by its Proprietrix K.Yasoda, W/o Ravindranath, Aged about 50 years, Vidyuthnagar, Ring Road, Krishna District

..... PETITIONER

AND

1 Government of AP. rep. by its Principle Secretary, Department of Mines &Geology, Hyderabad
2 Director of Mines and Geology Hyderabad
3 Dy. Director of Mines and Geology Kakinada, East Godavari District
4 Asst. Director of Mines & Geology Vijayawada

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly in the nature of writ of Mandamus declaring the action of respondents in not deciding the appeal but passing of orders determining the mines on 5/05/2004 as arbitrary and violative of article 14 and 21 constitution of India and consequently set aside the proceedings dt. 5/05/2004 after setting aside the proceedings dt. 27/01/2004

For the Petitioner:MR.K.S.MURTHY, Advocate

For the Respondent No.: GP FOR INDUSTRIES & COMMERCE

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the proceedings of the Deputy Director of Mines & Geology, Kakinada – third respondent herein, dated 05.05.2004, under which the lease granted in favour of the petitioner in respect of Survey No.280/1 of Kondapalli village, Ibrahimpatnam Mandal, Krishna District over an extent of 1.000 Hectares for a period of 10 years for Road Metal was determined. _

2. According to the petitioner the lease granted in his favour was determined by the proceedings dated 05.05.2004. The said order was passed without any notice, therefore, the same is liable to be quashed. A perusal of the proceedings dated 05.05.2004 shows that it is only a notice proposing to take action for determination of the lease granted in favour of the petitioner.

3. The learned Government Pleader also contended that as it is only a show cause notice, it is open to the petitioner to file objections before the third respondent and after considering the objections the third respondent would pass appropriate orders on merits. The learned Government Pleader stated that the proceedings were initiated as per the directions of the Lok Ayuktha, who took up the enquiry suo motu with reference to the alleged irregular grant of mining lease as well as mining operations that are being carried on within the regulated zone of Kondapalli Fort.

3. Heard both sides and considered the material available on record.

4. A perusal of the proceedings of the third respondent dated 05.05.2004 clearly shows that it is only a notice proposing to determine the lease granted in favour of the petitioner for Road Metal and not the determination of the lease itself. In view of that it is open to the petitioner to file its objections to the show cause notice to the proposed action for

determination of lease. On such objections being filed by the petitioner, it is obligatory on the part of the third respondent to consider the said objections and pass appropriate orders with reference to the notice dated 05.05.2004.

5. The writ petition is accordingly disposed of directing the third respondent to consider the objections, if any filed by the petitioner, within a period of three weeks from today and pass appropriate orders. No costs.

09.07.2004

va

To

1 The Principle Secretary to Government, Department of Mines &Geology, Hyderabad
2 Director of Mines and Geology Hyderabad
3 Dy. Director of Mines and Geology Kakinada, East Godavari District
4 Asst. Director of Mines & Geology Vijayawada
5 Two CCs to G.P. for Industries and Commerce, High Court of A.P. Buildings, Hyderabad (OUT)
6 Two CD Copies.